
PRELIMINARY DRAFT

No. 3283

PREPARED BY LEGISLATIVE SERVICES AGENCY 2009 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 5-2-6.5-9; IC 9-13-2-72.3; IC 9-24; IC 9-29; IC 9-30-3-12; IC 20-19-2-8.

Synopsis: Learner's permits and graduated licenses. Raises the minimum age for the issuance of a learner's permit. Raises the minimum age for the issuance of a probationary operator's license. Sets requirements for practice driving before a probationary operator's license can be issued. Prohibits a driver under the age of 18 from operating a motor vehicle while using a handheld device. Revises the period during which certain passengers may accompany a probationary driver. Revises hours when nighttime driving is prohibited by certain probationary drivers. Requires a probationary driver for the first 180 days of holding a driver's license to display a certain placard on the motor vehicle that the probationary driver is operating. Specifies the periods of validity for an operator's learner permit. Makes it a Class D infraction for a person to be a passenger in a motor vehicle operated by certain probationary drivers under certain circumstances if there is not another individual who: (1) is at least a certain age and holds one of certain types of driver's licenses; or (2) is a certified driver education instructor; present in the front seat of the motor vehicle. Provides that the state board of education and the criminal justice institute shall adopt rules to specify that a school under its jurisdiction may not

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Effective: Upon passage; July 1, 2009.



Digest Continued

provide the classroom portion of driver's education instruction to a child less than fifteen (15) years of age. Makes corresponding changes. Removes outdated language.



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-6.5-9, AS ADDED BY P.L.107-2008,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 9. (a) To establish or operate a commercial driver
4 training school, the commercial driver training school must obtain a
5 commercial driver training school license from the institute in the
6 manner and form prescribed by the institute.

7 (b) Subject to subsections (c) and (d), the institute shall adopt rules
8 under IC 4-22-2 that state the requirements for obtaining a commercial
9 driver training school license, including the following:

- 10 (1) Location of the commercial driver training school.
- 11 (2) Equipment required.
- 12 (3) Courses of instruction.
- 13 (4) Instructors.
- 14 (5) Previous records of the commercial driver training school and
15 instructors.
- 16 (6) Financial statements.
- 17 (7) Schedule of fees and charges.
- 18 (8) Character and reputation of the operators and instructors.
- 19 (9) Insurance in the amount and with the provisions the institute
20 considers necessary to adequately protect the interests of the
21 public.
- 22 (10) Other matters the institute prescribes for the protection of the
23 public.

24 (c) The rules adopted under subsection (b) must permit a licensed
25 commercial driver training school to provide classroom training during
26 which an instructor is present in a county outside the county where the
27 commercial driver training school is located to the students of:

- 28 (1) a school corporation (as defined in IC 36-1-2-17);
- 29 (2) a nonpublic secondary school that voluntarily becomes
30 accredited under IC 20-19-2-8;
- 31 (3) a nonpublic secondary school recognized under



- 1 IC 20-19-2-10;
 2 (4) a state educational institution; or
 3 (5) a nonaccredited nonpublic school.

4 However, the rules must provide that a licensed commercial driver
 5 training school may provide classroom training in an entity listed in
 6 subdivisions (1) through (3) only if the governing body of the entity
 7 approves the delivery of the training to its students.

8 (d) Notwithstanding subsection (b)(3), the rules adopted under
 9 subsection (b) must provide that the classroom instruction and the
 10 practice driving instruction required for students of a commercial
 11 driver training school be the same as the rules adopted by the state
 12 board of education under IC 20-19-2-8(4) concerning the standards for
 13 driver education programs, including classroom instruction and
 14 practice driving.

15 **(e) The rules adopted under subsection (b) must provide that the**
 16 **classroom training portion of driver education instruction may not**
 17 **be provided to a child less than fifteen (15) years of age.**

18 SECTION 2. IC 9-13-2-72.3 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2009]: **Sec. 72.3. "Handheld device", for purposes of**
 21 **IC 9-24-11-3.3, has the meaning set forth in IC 9-24-11-0.5.**

22 SECTION 3. IC 9-24-3-1 IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2009]: Sec. 1. Except as otherwise provided in
 24 this article, the bureau shall issue an operator's license to an individual
 25 who meets the following conditions:

- 26 (1) Satisfies the age requirements described in section 2 of this
 27 chapter.
 28 (2) Makes proper application to the bureau under IC 9-24-9 upon
 29 a form prescribed by the bureau. **Effective January 1, 2010, the**
 30 **form must include a verification concerning the number of**
 31 **hours of supervised driving practice that the individual has**
 32 **completed if the individual is required under section 2.5 of**
 33 **this chapter to complete a certain number of hours of**
 34 **supervised driving practice in order to receive an operator's**
 35 **license.**
 36 (3) Satisfactorily passes the examination and tests required for
 37 issuance of an operator's license under IC 9-24-10.
 38 (4) Pays the fee prescribed by IC 9-29-9.

39 SECTION 4. IC 9-24-3-2, AS AMENDED BY P.L.156-2006,
 40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2009]: Sec. 2. Except as provided in section 3 of this chapter,
 42 an individual must meet one (1) of the following conditions to receive
 43 an operator's license:

- 44 (1) The applicant meets the following conditions:
 45 (A) Is at least sixteen (16) years and thirty (30) days of age.
 46 (B) Has held a valid learner's permit at least sixty (60) days.



- 1 (C) Has obtained an instructor's certification that the applicant
- 2 has satisfactorily completed an approved driver education
- 3 course.
- 4 (D) Has passed the required examination.
- 5 (2) The applicant meets the following conditions:
- 6 (A) Is at least sixteen (16) years and one hundred eighty (180)
- 7 days of age.
- 8 (B) Has held a valid learner's permit for at least sixty (60)
- 9 days.
- 10 (C) Has passed the required examination.
- 11 (3) The applicant meets the following conditions:
- 12 (A) Is at least sixteen (16) years and one hundred eighty (180)
- 13 days of age.
- 14 (B) Has, within the past three (3) years, held an Indiana
- 15 operator's, chauffeur's, or public passenger chauffeur's license
- 16 that has not been suspended or revoked.
- 17 (C) Passes the required examination.
- 18 (4) The applicant meets the following conditions:
- 19 (A) Is at least sixteen (16) years and one hundred eighty (180)
- 20 days of age.
- 21 (B) Has previously been a nonresident of Indiana but who, at
- 22 the time of application, qualifies as an Indiana resident.
- 23 (C) Has held for at least one (1) year an unrevoked operator's,
- 24 chauffeur's, or public passenger chauffeur's license in the state,
- 25 district, or county in which the applicant has been a resident.
- 26 (D) Passes the required examination.

27 **This section expires December 31, 2009. The expiration of this**
 28 **section does not affect the validity of an operator's license issued**
 29 **under this section.**

30 SECTION 5. IC 9-24-3-2.5 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2009]: **Sec. 2.5. This section applies beginning January 1, 2010.**
 33 **Except as provided in section 3 of this chapter, an individual must**
 34 **satisfy the requirements set forth in one (1) of the following**
 35 **subdivisions to receive an operator's license:**

- 36 (1) **The individual meets the following conditions:**
- 37 (A) **Is at least sixteen (16) years and one hundred eighty**
- 38 **(180) days of age.**
- 39 (B) **Has held a valid learner's permit at least one hundred**
- 40 **eighty (180) days.**
- 41 (C) **Obtains an instructor's certification that the individual**
- 42 **has satisfactorily completed an approved driver education**
- 43 **course.**
- 44 (D) **Passes the required examination.**
- 45 (E) **Completes at least fifty (50) hours of supervised driving**
- 46 **practice, of which at least ten (10) hours are nighttime**



- 1 driving, with a licensed instructor or a licensed driver who
- 2 is at least twenty-five (25) years of age.
- 3 (2) The individual meets the following conditions:
- 4 (A) Is at least seventeen (17) years of age.
- 5 (B) Has held a valid learner's permit for at least one
- 6 hundred eighty (180) days.
- 7 (C) Passes the required examination.
- 8 (D) Completes at least fifty (50) hours of supervised
- 9 driving practice, of which at least ten (10) hours are
- 10 nighttime driving, with a licensed instructor or a licensed
- 11 driver who is at least twenty-five (25) years of age.
- 12 (3) The individual meets the following conditions:
- 13 (A) Is at least sixteen (16) years and one hundred eighty
- 14 (180) days of age.
- 15 (B) Has previously been a nonresident of Indiana but, at
- 16 the time of application, qualifies as an Indiana resident.
- 17 (C) Has held an unrevoked operator's, chauffeur's, or
- 18 public passenger chauffeur's license for at least one (1)
- 19 year in the state, district, or county in which the applicant
- 20 has been a resident.
- 21 (D) Passes the required examination.

22 SECTION 6. IC 9-24-7-1 IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) **This subsection expires**
 24 **December 31, 2009.** The bureau shall issue a learner's permit to an
 25 individual who meets the following conditions:

- 26 (1) Is at least fifteen (15) years of age.
- 27 (2) If less than eighteen (18) years of age, is not ineligible under
- 28 IC 9-24-2-1.
- 29 (3) Is enrolled in an approved driver education course.

30 (b) **This subsection applies beginning January 1, 2010.** The
 31 bureau shall issue a learner's permit to an individual who meets
 32 the following conditions:

- 33 (1) Is at least fifteen (15) years and one hundred eighty (180)
- 34 days of age.
- 35 (2) If less than eighteen (18) years of age, is not ineligible
- 36 under IC 9-24-2-1.
- 37 (3) Is enrolled in an approved driver education course.

38 SECTION 7. IC 9-24-11-0.5 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2009]: Sec. 0.5. As used in this chapter, "handheld device" means
 41 an electronic or a digital telecommunications device that is held in
 42 the hand during use.

43 SECTION 8. IC 9-24-11-3, AS AMENDED BY P.L.184-2007,
 44 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 JULY 1, 2009]: Sec. 3. (a) **This section applies to a probationary**
 46 **driver's license issued before July 1, 2009.**



~~(a)~~ **(b)** A license issued to an individual less than eighteen (18) years of age is a probationary license.

~~(b)~~ **(c)** An individual holds a probationary license subject to the following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's license issued under this article; is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

~~(c)~~ **(d)** An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

~~(d)~~ **(e)** Except as provided in subsection ~~(c)~~, **(f)**, a probationary license issued under this section:

(1) expires at midnight of the twenty-first birthday of the holder; and

(2) may not be renewed.

~~(e)~~ **(f)** A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the twenty-first birthday of the holder.

SECTION 9. IC 9-24-11-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.3. (a) This section applies to a probationary operator's license issued after June 30, 2009.**

(b) A license issued to, or held by, an individual less than eighteen (18) years of age is a probationary license.

(c) An individual holds a probationary license subject to the



following conditions:

(1) Except as provided in subsection (e), the individual may not operate a motor vehicle from 10 p.m. until 5 a.m. of the following morning during the first one hundred eighty (180) days after issuance of the probationary license.

(2) Except as provided in subsection (e), subsequent to one hundred eighty (180) days after issuance of the probationary license, and until the individual becomes eighteen (18) years of age, an individual may not operate a motor vehicle:

(A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;

(B) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

(C) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(3) Except as provided in subsection (f), during the one hundred eighty (180) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual:

(A) who:

(i) is at least twenty-five (25) years of age; and

(ii) holds a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license issued under this article; or

(B) who is a certified driver education instructor; is present in the front seat of the motor vehicle.

(4) During the one hundred eighty days (180) after issuance of the probationary license, the individual may operate a motor vehicle only if the motor vehicle bears a placard with reflective material on the front windshield of the motor vehicle that indicates that the individual is newly licensed. The bureau shall determine the indicator to be displayed, in conformance with IC 9-19-19-3(b).

(5) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has:

(A) a safety belt; or

(B) a child restraint system as required under IC 9-19-11, if the passenger is a child less than sixteen (16) years of age;

properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(d) An individual who holds a probationary license to which this section applies may not operate a motor vehicle while using a handheld device.

(e) An individual may operate a motor vehicle during the period referred to in subsection (c)(1) or (c)(2) if the individual operates



the motor vehicle while:

(1) participating in, going to, or returning from:

(A) lawful employment;

(B) a school sanctioned activity; or

(C) a religious event; or

(2) accompanied by a licensed driver at least twenty-five (25) years of age.

(f) An individual subject to this section may operate a motor vehicle and transport:

(1) a child of the individual;

(2) a sibling of the individual; or

(3) a child and a sibling of the individual;

without another accompanying individual present in the motor vehicle.

SECTION 10. IC 9-24-11-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.7. A person may not be a passenger in a motor vehicle operated by an individual who holds a probationary license if the individual's operation of the motor vehicle while the passenger is present in the motor vehicle constitutes a violation of section 3(c)(2) or 3.3(c)(3) of this chapter.**

SECTION 11. IC 9-24-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) Except as provided in subsections (b), ~~and~~ (c), ~~and~~ (e), a person who violates this chapter commits a Class C infraction.

(b) A person who:

(1) has been issued a permit or license on which there is a printed or stamped restriction as provided under section 7 of this chapter; and

(2) operates a motor vehicle in violation of the restriction; commits a Class C misdemeanor. The license of a person who violates this subsection may be suspended in the manner provided for the suspension or revocation of an operator's license.

(c) A person who causes serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the operator's restricted license under section 7 of this chapter, commits a Class A misdemeanor. However, the offense is a Class D felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this subsection.

(d) A person who violates subsection (c) commits a separate offense for each person whose serious bodily injury or death is caused by the violation of subsection (c).

(e) A person who violates section 3.7 of this chapter commits a Class D infraction.



SECTION 12. IC 9-24-12-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. (a) This subsection expires December 31, 2009. A learner's permit issued under this article expires one (1) year after the date of issuance.**

(b) This subsection applies beginning January 1, 2010. A learner's permit issued under this article expires two (2) years after the date of issuance.

SECTION 13. IC 9-24-12-1, AS AMENDED BY P.L.184-2007, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Except as provided in ~~subsection~~ **subsections** (b) and (d) and section 10 of this chapter, an operator's license issued under this article before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in sections 10, 11, and 12 of this chapter, an operator's license issued to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) Except as provided in subsections (b) and (d) and sections 10, 11, and 12 of this chapter, ~~after December 31, 2005,~~ an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A probationary operator's license issued under IC 9-24-11-3 **and IC 9-24-11-3.3** expires at midnight of the twenty-first birthday of the holder.

SECTION 14. IC 9-29-1-2, AS AMENDED BY P.L.63-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily with the treasurer of state and credited to the highway, road, and street fund established under IC 8-14-2-2.1.

(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (c), after June 30, 1997, with the approval of the bureau of motor vehicles commission the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:

IC 9-29-4-3

IC 9-29-5

IC 9-29-9-1

IC 9-29-9-2



1 IC 9-29-9-3
 2 **IC 9-29-9-3.5**
 3 IC 9-29-9-4
 4 IC 9-29-9-5
 5 IC 9-29-9-6
 6 IC 9-29-9-7
 7 IC 9-29-9-8
 8 IC 9-29-9-9
 9 IC 9-29-9-10
 10 IC 9-29-9-11
 11 IC 9-29-9-13
 12 IC 9-29-9-14
 13 IC 9-29-15-1
 14 IC 9-29-15-2
 15 IC 9-29-15-3
 16 IC 9-29-15-4

17 The amount of fees increased under this section shall first be deposited
 18 into the crossroads 2000 fund established under IC 8-14-10-9.

19 (c) The bureau's authority to adopt rules under subsection (b) is
 20 subject to the condition that a fee increase must be uniform throughout
 21 all license branches and at all partial service locations in Indiana.

22 (d) If a fee imposed by a statute listed in subsection (b) is
 23 eliminated, the amount of the fee increase set forth in a rule adopted
 24 under this section before July 1, 2007, with respect to the fee must be:

- 25 (1) collected by the bureau notwithstanding the elimination of the
 26 underlying fee;
 27 (2) collected in addition to all other fees collected at the time of
 28 the underlying transaction; and
 29 (3) deposited in the crossroads 2000 fund established under
 30 IC 8-14-10-9.

31 SECTION 15. IC 9-29-9-2, AS AMENDED BY P.L.156-2006,
 32 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2009]: Sec. 2. (a) The fee for an operator's license issued
 34 under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is:

- 35 (1) less than seventy-five (75) years of age is nine dollars (\$9);
 36 and
 37 (2) at least seventy-five (75) years of age is six dollars (\$6).

38 (b) ~~After June 30, 2006;~~ The fee for a probationary license issued
 39 under ~~IC 9-24-11-3(d)~~ **IC 9-24-11-3(b) or IC 9-24-11-3.3(b)** is six
 40 dollars (\$6).

41 SECTION 16. IC 9-29-9-3.5 IS ADDED TO THE INDIANA CODE
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 43 1, 2009]: **Sec. 3.5. The fee for a placard required to be displayed**
 44 **under IC 9-24-11-3.3(c)(4) on a motor vehicle is two dollars (\$2).**

45 SECTION 17. IC 9-30-3-12 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) If during any



twelve (12) month period a person has committed moving traffic violations for which the person has:

- (1) been convicted of at least two (2) traffic misdemeanors;
- (2) had at least two (2) traffic judgments entered against the person; or
- (3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;

the bureau may require the person to attend and satisfactorily complete a defensive driving school program. The person shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who holds a probationary license under IC 9-24-11-3 **or IC 9-24-11-3.3** or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a defensive driving school program if either of the following occurs at least twice or if both of the following have occurred:

- (1) The individual has been convicted of a moving traffic offense (as defined in section 14(a) of this chapter), other than an offense that solely involves motor vehicle equipment.
- (2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

(c) The bureau may suspend the driving license of any person who:

- (1) fails to attend a defensive driving school program; or
- (2) fails to satisfactorily complete a defensive driving school program;

as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half (1/2) of each applicable court cost for which a person is liable due to a traffic violation if the person enrolls in and completes a defensive driving school or a similar school conducted by an agency of the state or local government.

SECTION 18. IC 20-19-2-8, AS AMENDED BY P.L.146-2008, SECTION 450, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

- (1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.
- (2) The establishment and maintenance of standards and guidelines for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a



1 full range of information sources, associated equipment, and
 2 services from professional media staff are accessible to the school
 3 community. With regard to library automation systems, the state
 4 board may only adopt rules that meet the standards established by
 5 the state library board for library automation systems under
 6 IC 4-23-7.1-11(b).

7 (3) The establishment and maintenance of standards for student
 8 personnel and guidance services.

9 (4) The establishment and maintenance of minimum standards for
 10 driver education programs (including classroom instruction and
 11 practice driving) and equipment. Classroom instruction standards
 12 established under this subdivision must include instruction about:

13 (A) railroad-highway grade crossing safety; and

14 (B) the procedure for participation in the human organ donor
 15 program;

16 **and provide that the classroom instruction may not be**
 17 **provided to a child less than fifteen (15) years of age.**

18 (5) The inspection of all public schools in Indiana to determine
 19 the condition of the schools. The state board shall establish
 20 standards governing the accreditation of public schools.

21 Observance of:

22 (A) IC 20-31-4;

23 (B) IC 20-28-5-2;

24 (C) IC 20-28-6-3 through IC 20-28-6-7;

25 (D) IC 20-28-9-7 and IC 20-28-9-8;

26 (E) IC 20-28-11; and

27 (F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and
 28 IC 20-32-8;

29 is a prerequisite to the accreditation of a school. Local public
 30 school officials shall make the reports required of them and
 31 otherwise cooperate with the state board regarding required
 32 inspections. Nonpublic schools may also request the inspection
 33 for classification purposes. Compliance with the building and site
 34 guidelines adopted by the state board is not a prerequisite of
 35 accreditation.

36 (6) Subject to section 9 of this chapter, the adoption and approval
 37 of textbooks under IC 20-20-5.

38 (7) The distribution of funds and revenues appropriated for the
 39 support of schools in the state.

40 (8) The state board may not establish an accreditation system for
 41 nonpublic schools that is less stringent than the accreditation
 42 system for public schools.

43 (9) A separate system for recognizing nonpublic schools under
 44 IC 20-19-2-10. Recognition of nonpublic schools under this
 45 subdivision constitutes the system of regulatory standards that
 46 apply to nonpublic schools that seek to qualify for the system of



1 recognition.

2 (10) The establishment and enforcement of standards and
3 guidelines concerning the safety of students participating in
4 cheerleading activities.

5 (b) Before final adoption of any rule, the state board shall make a
6 finding on the estimated fiscal impact that the rule will have on school
7 corporations.

8 SECTION 19. [EFFECTIVE UPON PASSAGE] (a)
9 **Notwithstanding IC 5-2-6.5-9, as amended by this act, the criminal**
10 **justice institute shall carry out the duties imposed upon the bureau**
11 **of motor vehicles under IC 5-2-6.5-9, as amended by this act, under**
12 **interim written guidelines approved by the executive director of**
13 **the criminal justice institute.**

14 (b) This SECTION expires on the earlier of the following:

15 (1) The date rules are adopted under IC 5-2-6.5-9, as amended
16 by this act.

17 (2) December 31, 2010.

18 SECTION 20. [EFFECTIVE UPON PASSAGE] (a)
19 **Notwithstanding IC 20-19-2-8, as amended by this act, the**
20 **department of education shall carry out the duties imposed upon**
21 **the department of education under IC 20-19-2-8, as amended by**
22 **this act, under interim written guidelines approved by the state**
23 **superintendent of public instruction.**

24 (b) This SECTION expires on the earlier of the following:

25 (1) The date rules are adopted under IC 20-19-2-8, as
26 amended by this act.

27 (2) December 31, 2010.

28 SECTION 21. An emergency is declared for this act.

